IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3061 OF 2005
WITH
CRIMINAL APPLICATION NO.3062 OF 2005
WITH
CRIMINAL APPLICATION NO.3063 OF 2005
WITH
CRIMINAL APPLICATION NO.3065 OF 2005
TO
CRIMINAL APPLICATION NO.3068 OF 2005
WITH
CRIMINAL APPLICATION NO.3083 OF 2005
TO
CRIMINAL APPLICATION NO.3094 OF 2005

Mr.R.K.Agarwal
and Ors. ..Applicants
Vs.
State of Maharashtra & Anr. ..Respondents

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Mr.A.M.Saraogi Advocate for Applicants
Mr.V.B.Konde-Deshmukh A.P.P. for State in Cri.Application Nos.3061 of 2005, 3067 of 2005, 3086 of 2005 and 3091 of 2005.
Mr.D.P.Adsule A.P.P. for State in Cri.Application Nos. 3062 of 2005, 3068 of 2005, 3087 of 2005 and 3092 of 2005.
Ms.S.V.Gajare A.P.P. for State in Cri.Application Nos. 3063 of 2005, 3083 of 2005, 3088 of 2005 and 3093 of 2005.
Mr.Rajesh More A.P.P. for State in Cri.Application Nos. 3065 of 2005, 3084 of 2005, 3089 of 2005 and 3094 of 2005
Mr.Y.S.Shinde A.P.P. for State in Cri.Application Nos. 3066 of 2005, 3085 of 2005 and 3090 of 2005.

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JUNE 22,2005

P.C.

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State in all the matters.

2. The applicant is seeking quashing of proceedings relating to Case No.5035/ML/2004, 5026/ML/2004, 5027/ML/2004, 5028/ML/2004, 5029/ML/2004, 5030/ML/2004, 5031/ML/2004, 5032/ML/2004, 5033/ML/2004, 5034/ML/2004, 5036/ML/2004, 5037/ML/2004, 5038/ML/2004, 5039/ML/2004, 5040/ML/2004, 5041/ML/2004, 5042/ML/2004, 5043/ML/2004 and 5044/ML/2004 pending before the Metropolitan Magistrate, 41st Court at Shindewadi, Mumbai. In the said cases, process has been issued under Sections 394 r.w. 471 of Mumbai Municipal Corporation Act. If the process issued against the applicants is set aside, the proceedings in respect of the applicants would come to an end. The learned advocate for the applicants submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside.

3. For the reasons recorded in my order dated 8th June, 2005 in Cri.Application No. 645 of 2005 and order dated 13th June, 2005 in W.P.No. 213 of

2005, in my view, it is clear that the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revision before the concerned Sessions Court. Stay is granted in respect of the proceedings before the trial Court for a period of five weeks from today. Advocate for the applicants shall give one week's advance notice in respect of filing of the revision to respondent no.2. The learned advocate for the respondent no.2 Municipal Corporation fairly states that they will not raise any objection in respect of delay in filing the revision before the Sessions Court.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. All the criminal Applications are disposed of.

[V.K.TAHILRAMANI,J.]